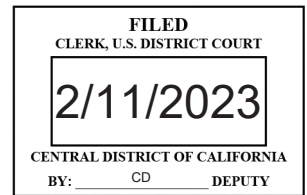


## UNITED STATES DISTRICT COURT

for the

Central District of California



United States of America

v.

SERGIO ADAN MONTOYA HERNANDEZ,

Defendants.

Case No. 2:23-mj-00678-DUTY

**CRIMINAL COMPLAINT BY TELEPHONE  
OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 9, 2023, in the county of Los Angeles in the Central District of California, the defendants violated:

*Code Section*

21 U.S.C. § 841(a)(1):

*Offense Description*Possession with Intent to Distribute a  
Controlled Substance

This criminal complaint is based on these facts:

*Please see attached affidavit.*☒ Continued on the attached sheet.*/s/ Storm Rakela**Complainant's signature*

Storm Rakela, Special Agent

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4-1 by telephone.

Date: February 11, 2023

*Judge's signature*

City and state: Los Angeles, California

Hon. Maria A. Audero

*Printed name and title*

**AFFIDAVIT**

I, Storm Rakela, being duly sworn, declare and state as follows:

**I. PURPOSE OF AFFIDAVIT**

1. This affidavit is made in support of criminal complaints and arrest warrants against Alan Daniel GODOY GOMEZ ("GODOY GOMEZ") and Sergio Adan MONTOYA HERNANDEZ ("MONTOYA HERNANDEZ") for violating 21 U.S.C. § 841(a)(1): Possession with Intent to Distribute a Controlled Substance.

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaints and arrest warrants, and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

**II. BACKGROUND OF AFFIANT**

3. I am a Special Agent ("SA") with Homeland Security Investigations ("HSI") and have been so employed since September 2017. I am currently assigned to the Office of the Special Agent in Charge in Los Angeles, California, Border Enforcement Security Taskforce ("BEST") Los Angeles Metropolitan Group, and the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force ("LA IMPACT") Group 24 and have been so assigned since June 2021. I have over 24 years of law

enforcement experience. I was a United States Border Patrol ("USBP") agent for approximately six years before my employment with HSI. For three of those six years, I was a Task Force Officer with the San Diego USBP Smuggling Interdiction Group ("SIG")/Drug Enforcement Administration ("DEA") Title 21 Group. Prior to my employment with the Department of Homeland Security ("DHS"), I was a Deputy Sheriff for over eleven years for the counties of Sacramento and San Diego in California. I have a Bachelor of Science degree in Psychology from the University of California at Davis, California.

4. During my employment as a law enforcement officer, I have received training regarding laws pertaining to arrest, search and seizure, and evidence collection. I have also gained practical experience making arrests, conducting searches and seizures, and collecting evidence. This experience spans four different law enforcement agencies with established training programs.

5. Additionally, I have had hundreds of hours of formal and informal training in a wide variety of investigative and other law enforcement subjects, including mobile surveillance and narcotics sales and trafficking investigations. I have received numerous hours of instruction from federal agents, detectives, and other law enforcement officers regarding narcotics packaging, sales, transportation, and usage. I have received training from court-qualified experts in the fields of gangs, organized crime, general crimes, and narcotics-related investigations.

6. I have received specialized training in the fields of criminal investigation by attending numerous courses in criminal law, criminal investigation, narcotics investigation, and laws of arrest. I have attended surveillance courses, which included mobile and static surveillance. The class also covered counter-surveillance tactics utilized by criminals. I have conducted covert surveillance on residences, vehicles, and individuals that are suspected of selling narcotics. During these operations, I have observed individuals use vehicles to smuggle controlled substances into the United States. I also conducted surveillance on vehicles transporting controlled substances and bulk cash within the United States. I have seen individuals use their own personal vehicles, borrow vehicles, or receive vehicles to transport illicit contraband.

7. I have assisted in serving search warrants for DHS, the DEA, the Federal Bureau of Investigation ("FBI"), the California Department of Justice ("CA DOJ"), LA IMPACT, and local police departments, in connection with investigations regarding narcotics, weapons, and various other offenses. I have had specialized training and field experiences in violations dealing with fentanyl, heroin, cocaine, amphetamines, cannabis, depressants, prescription medication, and other dangerous drugs.

### **III. SUMMARY OF PROBABLE CAUSE**

8. As detailed below, on February 9, 2023, U.S. Customs and Border Protection ("CBP") screened a 2018 Hyundai Tucson driven by GODOY GOMEZ (the "Hyundai Tucson") at the San Ysidro

Port of Entry from Mexico in San Diego, California. At the primary inspection area, a CBP Officer's ("CBPO") certified drug detection dog screened and positively alerted to the Hyundai Tucson. A CBPO then scanned the Hyundai Tucson with a Z-Portal x-ray machine and observed anomalies within the center of the dashboard area.

9. CBPOs and investigators on scene conducted a physical inspection of the dashboard area. Due to their location behind the dashboard, CBPO Orlando Perez could not see the brick-shaped packages that appeared in the X-ray image during this inspection. However, Officer Perez used a screwdriver to puncture the anomalies through the dashboard vents, and noticed the screwdriver had chili pepper residue with white powdery substance. Such residue is consistent with known methods of smuggling bulk amounts of illegal drugs from Mexico into the United States.

10. Investigators in the Southern District of California did not alert the driver of the car to their discovery and instead obtained a tracker warrant for the Hyundai Tucson. HSI and local law enforcement conducted aerial and ground surveillance of the Hyundai Tucson as it made its way to Los Angeles County.

11. At approximately 4:00 p.m., GODOY GOMEZ parked the Hyundai Tucson in a T.J. Maxx parking lot at 9050 Apollo Way, Downey, California 90242, and entered the T.J. Maxx. HSI SA Art Becerra saw MONTOYA HERNANDEZ enter the car about ten minutes later. Law enforcement officers followed MONTOYA HERNANDEZ as

he drove the Hyundai Tucson to an apartment complex located at 12135 Downey Avenue, Downey, California 90241.

12. At approximately 5:11 p.m., law enforcement officers saw the Hyundai Tucson exit the garage of Unit D (the "Apartment") at the Downey Avenue apartment complex. Local law enforcement followed the Hyundai Tucson as it left the apartment complex and conducted a traffic stop. MONTOYA HERNANDEZ, who was driving the car, was detained during the traffic stop. He provided one of the officers with consent for a drug detection dog to conduct a "sniff" search of the car, and the dog positively alerted to the dashboard area. The officer searched the dashboard area of the Hyundai Tucson but did not find any packages resembling drugs that were seen in this area at the border. MONTOYA HERNANDEZ had on his person two cell phones, a garage door remote control, and a set of keys with a vehicle fob. The officer found another set of keys inside the Hyundai Tucson. The set of keys and fob found in the Hyundai Tucson were for the Hyundai Tucson, and officers later learned that the set of keys found on MONTOYA HERNANDEZ's person were for his 2015 Nissan Sentra (the "Nissan Sentra").

13. Law enforcement took the garage door remote control back to the Downey Avenue apartment complex. They hit the button and the Apartment's garage door opened. Law enforcement officers and agents entered the Apartment and its attached garage in order to conduct a safety sweep and freeze the location pending the issuance of a search warrant. For their

safety, they conducted a preliminary sweep of the Apartment for any additional persons, but found none.

14. Law enforcement took the vehicle keys and fob they found on MONTOYA HERNANDEZ's person back to the T.J. Maxx parking lot. They used the fob to identify the vehicle MONTOYA HERNANDEZ drove to T.J. Maxx. This vehicle was his Nissan Sentra.

15. Surveillance confirmed that from the time the Hyundai Tucson pulled into the Apartment's attached garage at approximately 5:11 pm, until the time of the execution of a federal search warrant of the Apartment, no other vehicles or individuals entered or left the apartment. On February 10, 2023, the Honorable Karen Stevenson authorized federal search warrants for the Apartment, the Hyundai Tucson, the Nissan Sentra, and the persons of GODOY GOMEZ and MONTOYA HERNANDEZ in Case Nos. 2:23-mj-00659-DUTY, 2:23-mj-00661-DUTY, 2:23-mj-00662-DUTY, 2:23-mj-00663-DUTY, and 2:23-mj-00665-DUTY. During the execution of the search warrant at the Apartment, officers found twenty-five brick-shaped packages of suspected cocaine, seven cellphones, United States currency, currency counter, ledgers, and miscellaneous documents.

16. During the execution of the search warrant on the Nissan Sentra, officers learned that, like the Hyundai Tucson, the vehicle had a cavity near the floorboards consistent with vehicle cavities used for smuggling narcotics.

17. During a later search of the Hyundai Tucson, after the initial traffic stop search, officers found one brick-shaped

package with chili pepper smeared on it, similar in appearance to the packages of suspected cocaine seized at the Apartment, in the cavity near the center of the dashboard. This package of suspected cocaine weighs approximately one kilogram.

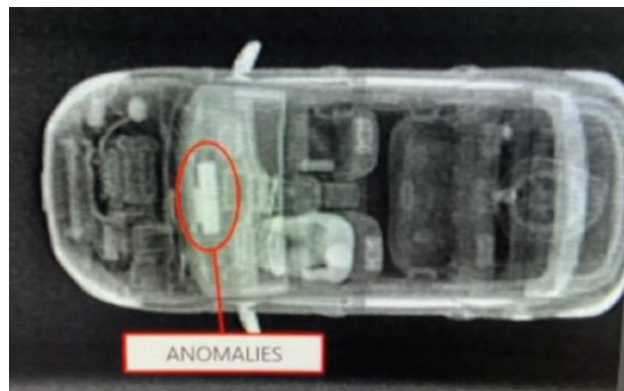
#### **IV. STATEMENT OF PROBABLE CAUSE**

18. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

**A. HSI INVESTIGATORS IDENTIFY A HYUNDAI TUCSON CONTAINING SUSPECTED NARCOTICS AT THE SAN YSIDRO PORT OF ENTRY**

19. On February 9, 2023, at approximately 11:33 a.m., the Hyundai Tucson entered the United States from Mexico at the San Ysidro Port of Entry from Mexico in San Diego, California. The driver and sole occupant of this vehicle was GODOY GOMEZ. At the primary inspection area, a CBPO's certified drug detection dog screened and positively alerted to the Hyundai Tucson.

20. The CBPO directed GODOY GOMEZ to the secondary inspection area. There, another CBPO asked GODOY GOMEZ to exit the vehicle and escorted him to a security office, out of view of the secondary inspection area.





21. In the secondary inspection area, an X-ray image of the Hyundai Tucson with the Z-Portal x-ray machine revealed anomalies inside of the center of the dashboard area.

22. CBPOs and investigators on scene conducted a physical inspection of the center of the dashboard area. Due to their location behind the dashboard, CBPO Orlando Perez could only see a small portion of the brick-shaped packages that appeared in the X-ray image by looking through the vents. However, Officer Perez used a screwdriver to puncture the anomalies through the dashboard vents, and noticed the screwdriver had chili pepper residue with white powdery substance. Such residue is consistent with known methods of smuggling bulk amounts of illegal drugs from Mexico into the United States.

23. Based on training and experience, including having found packages similarly concealed in vehicles many times in the past which proved to contain drugs after field and lab testing, officers and agents believe the packages visible on the X-ray image contained prohibited drugs.

24. To facilitate further investigation, the packages were left in place and not opened or inspected and the driver was not alerted to the discovery. Investigators decided to try to follow the Hyundai Tucson to its intended destination.

25. Because of the exigencies of the situation and to avoid a longer delay which might cause the driver or any co-conspirators to suspect or detect that the packages had been discovered by law enforcement, investigators installed a GPS tracking device on the Hyundai Tucson at approximately 12:01

p.m., so the Hyundai Tucson and GODOY GOMEZ could leave the San Ysidro Port of Entry and continue to their intended destination. The tracking device was initially left in a mode that did not update or record location information, so that investigators could then obtain a tracking warrant for the vehicle. Investigators then began surveilling the Hyundai Tucson unaided by the tracking device.

26. At approximately 1:05 p.m., investigators obtained a warrant authorizing the use of a tracking device on the Hyundai Tucson, signed by the Honorable Michael S Berg, U.S. Magistrate Judge for the United States District Court for the Southern District California.

**B. SURVEILLANCE OF THE HYUNDAI TUCSON**

27. Agents from HSI San Diego, along with detectives from LA IMPACT, Culver City Police Department, and other agencies, conducted surveillance of the Hyundai Tucson driving along Interstate 5 from San Diego County to Los Angeles County.

28. At approximately 2:12 p.m., the Hyundai Tucson exited Interstate 5 at Lakewood Boulevard in Downey, California. At approximately 2:32 p.m., the vehicle parked in front of a residence on 11<sup>th</sup> street in Downey, California 90241. GODOY GOMEZ waited about 45 minutes inside the Hyundai Tucson until a man driving a black Toyota Corolla with California plate 7LKD152 arrived. GODOY exited the Hyundai Tucson and shook hands with this man. Both GODOY GOMEZ and the man then entered the residence on 11<sup>th</sup> Street.

29. At approximately 3:50 p.m., GODOY GOMEZ exited the 11<sup>th</sup> Street residence and got into the Hyundai Tucson. Law enforcement followed the Hyundai Tucson to T.J. Maxx at 9050 Apollo Way Downey, California 90242. At approximately 4:00 p.m., GODOY GOMEZ parked the vehicle and entered the T.J. Maxx. HSI SA Art Becerra saw an unknown Hispanic male with black hair wearing a black shirt and shorts, later identified as MONTOYA HERNANDEZ, walk up to and enter the Hyundai Tucson. SA Becerra believes MONTOYA HERNANDEZ entered the Hyundai Tucson about ten minutes after GODOY GOMEZ left it. MONTOYA HERNANDEZ then drove the Hyundai Tucson to an apartment complex at 12135 Downey Avenue Downey California 90242. The apartment complex has four apartments labeled A through D, and each apartment has an attached garage. MONTOYA HERNANDEZ pulled the Hyundai Tucson into the Apartment's garage.

**C. HYUNDAI TUCSON TRAFFIC STOP**

30. At approximately 5:11 p.m., law enforcement officers saw the Hyundai Tucson exit the Apartment's garage. The Hyundai Tucson drove towards the intersection of Alameda Street and Downey Avenue. Officer Jason Salazar of the Culver City Police Department saw an object hanging from the rear-view mirror of the Hyundai Tucson that obstructed the driver's view.

31. Officer Salazar conducted a traffic stop of the Hyundai Tucson near the intersection of Alameda Street and Brookshire Avenue. Officer Salazar identified the driver, MONTOYA HERNANDEZ, by his Mexican voter card. MONTOYA HERNANDEZ

did not have a California driver's license and could not remember where he lived.

32. Officer Salazar received verbal consent from MONTOYA HERNANDEZ for his certified drug detection dog to "sniff" the Hyundai Tucson. Officer Salazar's drug detection dog gave a positive alert to the dashboard area. Officer Salazar searched the dashboard area but did not find any drugs.

33. During Officer Salazar's search of MONTOYA HERNANDEZ's person, he found one black iPhone 14 Pro Max, one black WIKO VOIX Android 12, a garage door remote control, and a set of keys with a vehicle fob. The officer found another set of keys inside the Hyundai Tucson. The set of keys and fob found in the Hyundai Tucson were for the Hyundai Tucson, and officers later learned that the set of keys found on MONTOYA HERNANDEZ's person were for his Nissan Sentra.

**D. INVESTIGATION OF THE APARTMENT AND MONTOYA HERNANDEZ'S NISSAN SENTRA**

34. At approximate 5:30 p.m., law enforcement took the garage door remote control back to the Downey Avenue apartment complex. They hit the button to confirm which unit the opener accessed, and the Apartment's garage door opened. Law enforcement officers and agents then entered the Apartment through the garage in order to conduct a protective sweep and freeze the Apartment pending the issuance of a search warrant. For their safety, the officers conducted a preliminary sweep of the residence for additional persons, but found none.

35. While conducting the safety sweep, law enforcement officers saw several bundles with black tape in a cardboard box on the bedroom floor of the Apartment. Based on their training and experience, these officers believe the bundles looked like other bundles they have seized and later tested positive for controlled substances.

36. At approximate 6:20 p.m., law enforcement took the vehicle keys and fob found on MONTOYA HERNANDEZ's person back to the T.J. Maxx parking lot. They used this vehicle fob to identify the vehicle MONTOYA HERNANDEZ drove to T.J. Maxx, his Nissan Sentra.

37. Surveillance confirms that since the Hyundai Tucson entered the Apartment's garage at approximately 4:35 p.m., no other vehicles or individuals entered or left the Apartment.

**E. THE SEARCHES OF THE APARTMENT AND HYUNDAI TUCSON YIELD APPROXIMATELY 26 KILOGRAMS OF COCAINE AND OTHER DRUG ITEMS CONSISTENT WITH DRUG TRAFFICKING**

38. On February 10, 2023, the Honorable Karen Stevenson, United States Magistrate Judge for the Central District of California, authorized warrants to search the Apartment, the persons of GODOY GOMEZ and MONTOYA HERNANDEZ, the Hyundai Tucson and the Nissan Sentra.

39. Law enforcement executed the warrant to search the Apartment at approximately 2:52 a.m. on February 10, 2023.

40. Inside the Apartment, law enforcement found bulk amounts of drugs in plain sight in the first-floor bedroom. The Apartment had two floors with a bedroom and bathroom on each floor. The first-floor bathroom and bedroom appeared to be used

for removing packaging materials from the brick-shaped packages of suspected cocaine. The second story room had furniture and personal belongings. Law enforcement seized approximately 25 kilograms of suspected cocaine. Each package of suspected cocaine had layers of black electrical tape and plastic wrapping paper with a red chili pepper paste smeared on the outside.

41. Law enforcement field tested the suspected drugs on site, and the results came back positive for cocaine.

42. Inside the Apartment, law enforcement found:

- a. Twenty-five brick-shaped packages of suspect cocaine, wrapped in plastic and covered in a red chili pepper paste, and weighing approximately one kilogram each;
- b. A currency counter;
- c. A small amount of US currency;
- d. Ledgers; and
- e. Seven cell phones.

43. Based on the drugs and drug items recovered at the Apartment, and based on my training and experience as a law enforcement officer, I believe the first floor of the Apartment to be a "stash pad" used by GODOY GOMEZ and MONTOYA HERNANDEZ and other potential co-conspirators to receive, store, and prepare illegal drugs for further distribution.

44. During the execution of the search warrant on the Nissan Sentra, officers learned that, like the Hyundai Tucson, the vehicle had a cavity near the floorboards consistent with vehicle cavities used for smuggling narcotics.

45. During a later search of the Hyundai Tucson, after the initial traffic stop search, officers found one brick-shaped package with chili pepper smeared on it, similar in appearance to the packages of suspected cocaine seized at the Apartment, in the cavity near the center of the dashboard. This package of suspected cocaine weighs approximately one kilogram.

**V. CONCLUSION**

46. For all of the reasons described above, there is probable cause to believe that GODOY GOMEZ and MONTOYA HERNANDEZ have violated 21 U.S.C. § 841(a)(1): Possession with Intent to Distribute a Controlled Substance.

Attested to by the applicant in  
accordance with the requirements  
of Fed. R. Crim. P. 4.1 by  
telephone on this 11th day of  
February, 2023.



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THE HONORABLE MARIA A. AUDERO  
UNITED STATES MAGISTRATE JUDGE